

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:)
)
Edward A. Jesser)
)
 FOR: **RFID TAG ASSEMBLY**)
AND SYSTEM)
)
 SERIAL NO. **to be assigned**)
)
 FILED: **to be assigned**)
)
 ART UNIT NO: **to be assigned**)
)
 EXAMINER: **to be assigned**)
)
 Attorney Docket No: **EMS-02-016U**)

COMBINED DECLARATION AND
POWER OF ATTORNEY

Assistant Commissioner for Patents
 Washington, DC 20231

Dear Sir:

As below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type:

- ☒ **XX** original
- ☐ design
- ☐ supplemental
- ☐ national stage of PCT
- ☐ divisional
- ☐ continuation

___ continuation-in-part

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below next to my names.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

RFID TAG ASSEMBLY AND SYSTEM

SPECIFICATION IDENTIFICATION

the specification of which:

- (a) XXX is attached hereto.
- (b) ___ was filed on _____
Application Serial No. _____
and was amended on _____
- (c) ___ was described and claimed in PCT International Application No. _____
_____ filed on _____ and
as amended under PCT Article 19 on _____.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS
AND DUTY OF CANDOR**

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information

XXX which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a).

XXX and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, and

___ In compliance with this duty there is attached an information disclosure statement in accordance with 37 CFR §1.98.

09999999-080804

PRIORITY CLAIM (35 U.S.C. §119)

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT International application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by us on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(d) XXX no such applications have been filed.

(e) such applications have been filed as follows.

**A. PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. §119**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
Not Applicable			<u> </u> Yes <u> </u> No <u> </u>
			<u> </u> Yes <u> </u> No <u> </u>
			<u> </u> Yes <u> </u> No <u> </u>

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

Not Applicable

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER
35 U.S.C. §120**

I hereby claim the benefit under Title 35, United States Code, §120 of any United States applications or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code §112, I/we acknowledge the duty to disclose information that is material to the examination of this application, namely, information where there is substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC §120:**

<u>U.S. APPLICATIONS</u>	<u>U.S. FILING DATE</u>	<u>STATUS</u> (Patented/Pending/Abandoned)
60/224,932	August 11, 2000	Pending

**35 USC §119 PRIORITY CLAIM, IF ANY, FOR ABOVE LISTED
U.S./PCT APPLICATIONS**

Above Application No.	Details of Foreign Application From Which Priority Claimed Under 35 USC §119

Not Applicable

POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

**RALPH C. FRANCIS
FRANCIS LAW GROUP
1808 Santa Clara Avenue
Alameda, California 94501
Reg. No. 38,884**

Tel No.: (510) 769-9800

— Attached as part of this declaration and power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representatives

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:

Ralph C. Francis
FRANCIS LAW GROUP
1808 Santa Clara Avenue
Alameda, California 94501
Reg. No. 38,884

RALPH C. FRANCIS
(510) 769-9800

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURES

NONSIGNING INVENTOR – COMPLETED ON ADDED PAGE

Full name of inventor: **EDWARD A. JESSER**

Inventor's signature _____

Date: _____ Country of Citizenship: United States of America

Residence: 20842 Nez Perce Trail, Los Gatos, CA 95030

Post Office Address: _____

____ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor.

Number of pages added _____

* * *

XX Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47.

Number of pages added 9

* * *

____ Added pages to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (CIP) application.

Number of pages added _____

* * *

____ Authorization of attorney(s) to accept and follow instructions from representative.

* * *

X This Declaration ends with this page.

095533-030301
T08090"02020601

**ADDED PAGE TO COMBINED DECLARATION AND POWER OF
ATTORNEY FOR SIGNATURE BY PERSON WITH SUFFICIENT
PROPRIETARY INTEREST ON BEHALF OF NONSIGNING
INVENTOR(S) WHO REFUSE(S) TO SIGN OR CANNOT BE REACHED
(37 CFR 1.47(b))**

I, Mark A. Nicholson, hereby declare that:

I. I am a citizen of United States of America, residing at 160 Oak Creek Blvd,
Scotts Valley, CA 95066,

II. I,

_____ am a person with sufficient proprietary interest

X am authorized by the following person or juristic entity with sufficient
proprietary interest,

Escort Memory Systems
170 Technology Circle
Scotts Valley, California 95066

III. By virtue of this proprietary interest, I sign this declaration on behalf of, and as agent
for: Edward A. Jesser
nonsigning inventor who

X refused to sign

_____ cannot be found or reached

Country of Citizenship of nonsigning inventor: United States of America

Last known address of nonsigning inventor: 20842 Nez Perce Trail, Los Gatos, CA 95030

IV. Upon information and belief, I aver those fact that the inventor is required to state,
37 CFR 1.64(b).

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130.00 EP

to establish the proof of pertinent facts, and to show that such action is necessary to preserve the rights of the parties or to prevent irreparable damage ; and

- (3) the petition fee of \$130.00. (37 CFR 1.17(i))

Meltzer

Mark Nicholson
President - Escort Memory Systems

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Attorney Docket No: **EMS-02-016U**)

STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27 (c)) – SMALL BUSINESS CONCERN

I hereby state that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern
identified below:

Name of Small Business Concern: **Escort Memory Systems**

Address of Small Business Concern : **170 Technology Circle, Scotts Valley, CA 95066**

I hereby state that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of title 35, United States code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each or the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above, with regard to the invention described in

- ☒ the specification filed herewith, with title as listed above.
☐ the application identified above.
☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each such person, concern or organization having any rights in the invention is listed below:

- ☒ No such person, concern or organization exists.
☐ Each such person, concern or organization is listed below.

Name _____
Address _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

Name _____
Address _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b))

(check the following item, if desired)

NOTE: The following verification statement need not be made in accordance with the rules published on Oct. 10, 1997, 62 Fed. Reg. 52,131, effective Dec. 1, 1997.

NOTE: "The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any paper by a party, whether a practitioner or non-practitioner, constitutes a certification under § 10.18(b) of this chapter. Violations of § 10.18(b)(2) of this chapter by a party, whether a practitioner or non-practitioner, may result in the imposition of sanctions under § 10.18(c) of this chapter. Any practitioner violating § 10.18(b) may also be subject to disciplinary action. See §§ 10.18(d) and 10.23(c)(15)." 37 CFR § 1.4(d)(2)

* Note: Separate statements are required from each named person, concern or organization having rights to the invention as to their status as small entities. (37 CFR 1.27)

[x] I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Mark R. Nicholson

Title of Person if Other Than Owner: President

Address of Person Signing: 170 Technology Circle, Scotts Valley, CA 95066

Signature



Date

8/7/01

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